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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,673	04/04/2006	Yutaka Ueda	KON2090	7725
20311 7590 09/27/2007 LUCAS & MERCANTI, LLP 475 PARK AVENUE SOUTH 15TH FLOOR NEW YORK, NY 10016			EXAMINER NGUYEN, LINH THI	
			ART UNIT 2627	PAPER NUMBER
			MAIL DATE 09/27/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/574,673	Applicant(s) UEDA, YUTAKA	
	Examiner Linh T. Nguyen	Art Unit 2627	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 July 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 July 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Omura et al (JP Publication Number 2001332019).

In regards to claims 1 and 4, Omura et al discloses an information recording apparatus (Fig. 6), program and medium comprising: a means for inputting data (Fig. 6, element 21a); means for recording data inputted by said inputting means on a recording medium (Fig. 6, recording data from the host computer 21 to recording medium in apparatus 10) means for extracting an information for discriminating a recording medium (ID information) from a specific area of the recording medium (Fig. 5), wherein the information is used in a program for controlling the recording of the inputted data (Paragraph [0050]); and memory means for storing predetermined information, wherein said recording means compares the extracted information (ID on the medium) with the predetermined information (support list) and recording the inputted data in the recording medium when the information extracted from the specific area of the recording medium and the predetermined information in said memory means are coincident to each other (Paragraph [0050], if the ID from the CD is registered with the support list then write-in continue).

In regards to claims 2, 5 and 9, Omura et al discloses the information recording apparatus, program and medium, wherein the specific area is an area outside the logical address area of a disk type recording medium (Fig. 4, the ID information is within the PCA and PMA).

In regards to claims 3, 6/4, and 6/5, Omura et al discloses the information recording apparatus and program, wherein the data is 1 or a plurality of data selected from static image data, moving image data, musical composition sound data, contents, application, and the data includes any one of data offered by an user, data previously stored in a memory means, or data which is down-loaded through a communication network (Paragraph [0077], lines 7-10; Paragraph [0081], if CD and DVD are used there content moving image, musical data and static image data).

In regards to claim 7, Omura et al discloses a recording medium, which is characterized in that information for discriminating the recording medium (Fig. 4, ID), which is used in a specific program, is previously recorded in a specific area (Fig. 4, recorded in the program management area and outside of logical address area).

In regards to claim 8, Omura et al discloses a recording medium, wherein the specific program is a program which referring to the information, judges whether the inputted data is recorded (Paragraph [0075]).

Response to Arguments

Applicant's arguments filed 7/11/07 have been fully considered but they are not persuasive. Applicants argue that Omura et al does not disclose "an apparatus which compares data that is to be inputted onto a recording medium with the recording medium to insure that the recording medium is satisfactory for recording the data thereon." However, claim 1 does not disclose that limitation but claim 1 claimed "a memory means for storing predetermined information, wherein said recording means compares the extracted information with the predetermined information." The claim simply compares the information extracted from the medium (which could be anything from barcode, fingerprints, ID, etc...) with the predetermined information (information from memories, lists, etc, therefore, not necessary from a source). Omura et al discloses the detection of ID on the CD to judge if the disk is supportive disk before continuing to write (record) further (Paragraph [0049] and [0050]). Applicants also argue that Omura does not suggest "comparing the **type of recording medium** with the input data to determine whether the input data can be recorded onto the recording medium." However, the claim 1 does not claimed "the type of recording medium" but rather claimed "discriminating the recording medium" meaning to distinguish a recording medium by barcode, fingerprints, ID, etc... are all possible ways of discriminating a medium. Therefore, claims 1-9 are not patent in view of Omura et al.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Linh T. Nguyen whose telephone number is 571-272-5513. The examiner can normally be reached on 8:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wayne Young can be reached on 571-272-4483. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LN

September 20, 2007



WAYNE YOUNG
SUPERVISORY PATENT EXAMINER